IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JAIPUR BENCH, JAIPUR

::JUDGMENT::

GOVIND SINGH CHAHAR VS. STATE OF RAJ. AND ANR.

D.B.SPECIAL APPEAL (WRIT) NO.1415/2006 UNDER SECTION 18 OF THE RAJASTHAN HIGH COURT ORDINANCE 1949, AGAINST THE ORDER DATED 3.10.2006 PASSED IN SBCWP NO.1306/1994

DATE OF JUDGMENT ::: 2.2.2007

PRESENT

HON'BLE MRS.GYAN SUDHA MISRA,J.
HON'BLE MR.K.C.SHARMA,J.

Mr. Nripendra Sinsinwar for the appellant.

BY THE COURT:

This appeal has been preferred against the order of the learned Single Judge who had been pleased to uphold the award passed by the Labour Court, Bharatpur by which the appellant-workman had been ordered to be reinstated in service but was denied back-wages for the period during which he was out of service. The petitioner/appellant herein had contended before the learned Single Judge that the back-wages and consequential benefits have wrongly not been awarded by the Labour Court and the same question has been raised in this appeal also.

Having heard learned counsel for the appellant, we find no substance in the appeal as it has been laid

down in catena of decisions that consequencial benefit and back wages cannot be claimed as a matter of right. The appellant having failed to lead any evidence in regard to the fact that he was not gainfully employed during all these years, we find no case in favour of the appellant claiming back-wages and consequential benefits. The appeal thus has no substance and hence it stands dismissed at the admission stage itself.

(K.C.SHARMA)J. (GYAN SUDHA MISRA)J.

PCG